

REMARKS

Claims 28 and 29 have been amended to correct an error in dependency such that both claims now depend from claim 23. Claims 1, 5-8, 16, 17, 20 and 22-33 are pending in the application. The statement that claims 1, 22, and 23 include allowable subject matter is gratefully acknowledged. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

The Office Action incorrectly notes that the specification states that the “second post 122 is connected to the post 117 by a hinge 123.” In the Amendment filed on February 1, 2010, the specification was amended to recite that a “second post 123 is connected to the post 117 by a hinge 122.” (Mark-ups show changes to the specification).

The disclosure stands objected to under 37 CFR 1.71 as failing to describe how the claimed nail clipper functions and claims 1, 5-8, 17, 20, and 22-33 stand rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement and written description requirements because it is allegedly unclear how the claimed lever, first post, second post, and hinge are adapted to cause the movement of the cutting edges between a cutting position and a non-cutting position. The objection and rejection are respectfully traversed.

Applicants respectfully submit that the specification and drawings describe how the claimed nail clipper functions so as to enable the claimed invention. Specifically, paragraph [0016] states that “[i]n operation, the lever 118 is depressed, which causes the second post 123 to pivot at the hinge 122 and contact the top member 101 to cause the top member 101 to contact the bottom member 102 and force is thereby applied to the cutting edges 113, 114.”

The Office Action incorrectly interprets the function of the nail clipper where it states that “[w]hen the lever 118 is pressed down, the cutting end 113 is lifted up according to the principle of leverage.” *Id.* Applicants respectfully submit that the cutting end 113 would only be lifted up when the lever 118 is pressed down if the proximal end of the lever 118 were connected to the cutting end 113. However, the specification does not state that the proximal end of the lever 118 is connected

to the cutting end. To the contrary, FIG. 5, reproduced below with added label, shows a “break line” between the lever 118 and the cutting end 113, which indicates that the two elements are not connected.

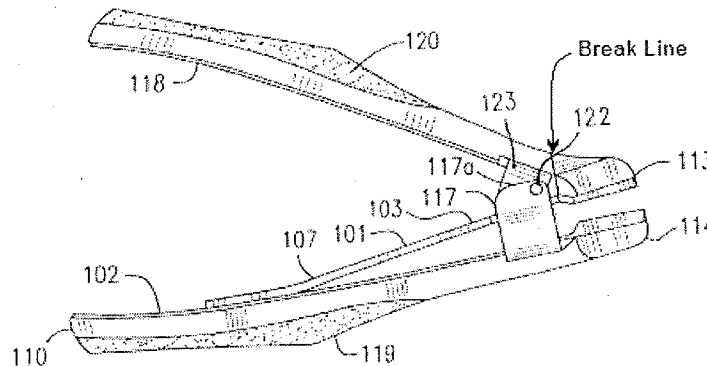


FIG. 5

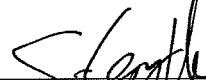
As noted by the Office Action, raising the cutting end 113 by pressing down on the lever 18 “is not the intended use of the nail clipper.” (Office Action, page 2). The Office Action correctly notes that “the press down force is supposed to bring the cutting ends (113, 114) close together to cut a nail.” *Id.* It would therefore be apparent to one of ordinary skill in the art that the clipper functions as described at paragraph [0016] of the specification. Applicants further submit that it is improper for the Office Action to interpret the function of the nail clipper in a manner inconsistent with the description in the specification. Accordingly, Applicants respectfully request that the objection and rejection be withdrawn and the claims allowed.

Withdrawn claims 16 and 28 depend from allowable claims 1 and 23, respectively, and should therefore be rejoined and allowed. Claims 5-8, 16, 17, 20, 24-33 are allowable over the prior art because each claim depends from allowable claims 1, 22 and 23.

In view of the above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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